

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT)	CIVIL ACTION NO.: 2021-CP-07-
DENNIS A. KAMINSKI, SR.)	
Plaintiff,)	
v.)	SUMMONS
COST PLUS, INC.,)	<i>(Jury Trial Requested)</i>
Defendant.)	
)	

TO THE ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at 690 North Green Street, Post Office Box 2500, Ridgeland, SC 29936, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

BY: S/ Daniel E. Henderson

Daniel E. Henderson (SCBAR#2912)

690 North Green Street
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And

Jason W. Ward (SCBAR#72928)
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ATTORNEYS FOR PLAINTIFF

October 14, 2021
Ridgeland, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF BEAUFORT) CIVIL ACTION NO.: 2021-CP-07-

Dennis A. Kaminski, Sr.)
)
Plaintiffs,)
)
v.) **COMPLAINT**
) *(Jury Trial Requested)*
Cost Plus, Inc.,)
)
Defendant.)

The Plaintiff alleges:

1. That the Plaintiff is a citizen and resident of the County of Beaufort, State of South Carolina.
2. That the Cost Plus, Inc. on information and belief, is a corporation organized and existing under the laws of the State of South Carolina with its principle place of business in Beaufort County, South Carolina.
3. That on or about the 10th day of June 2019, the Plaintiff Dennis Kaminski, was an invited, paying customer at the Defendant's store located at 30 Malphrus Road, Suite G in Bluffton, South Carolina.
4. That the Plaintiff slipped/tripped on/over an obstacle that the defendant had placed on the floor. That the incident occurred as the plaintiff was going around the end of an aisle within the defendant's business.
5. That by reason and in consequence of the aforesaid negligent, negligent *per se*, careless, reckless, willful, wanton and grossly negligent conduct of the Defendant, the Plaintiff Dennis Kiminski sustained serious, severe and permanent injuries to his head, neck, face, knee, leg, and other parts of his

body which have required him to spend money for hospitalization, doctor's care and other medical necessities and that he will in the future require medical treatment; that the plaintiff has suffered and will continue to suffer great pain, humiliation and mental anguish; that the Plaintiff has suffered loss of enjoyment of life and been hindered in his daily activities and has suffered such further damages and injuries as the evidence will show at trial.

6. That the above incident and damages hereinafter set forth were due to and proximately caused by the negligent, negligent per se, careless, reckless, willful, wanton, and grossly negligent conduct of the Defendant in the following particulars, to-wit:

- a. In failing to take reasonable precautions and safety measures for the invited public;
- b. In failing to properly inspect its property for latent and dangerous conditions;
- c. In failing to warn the Plaintiff of a latent and dangerous condition on its premises;
- d. In failing to properly maintain its premises for the Plaintiff's use;
- e. In failing to properly hire, train and/or supervise its employees so as to alleviate a latent and dangerous condition on its property;
- f. In failing to properly hire, train and/or supervise its employees to warn invited customers of a latent and dangerous condition on its property;
- g. In failing to design, build and keep the premises and display of goods in good repair; to display goods in a safe manner with clear aisles.
- h. In failing to properly light the premises;
- i. In inviting the Plaintiff upon the premises when the Defendant knew, or should have known, of the existence of a latent and dangerous condition upon the premises existed;
- j. In owning, building, repairing, maintaining, controlling, and operating a facility which fails to conform to applicable local, municipal, or county codes, regulations, guidelines and standards;
- k. In owning, maintaining, controlling, and operating a facility which fails to conform to applicable State, Federal, or other codes, regulations, guidelines and standards;
- l. In failing to act as a reasonably prudent company would act under the same or similar SCCA 401 (5/02)

circumstances.

WHEREFORE, plaintiff prays for judgment against the defendant for actual damages, together with punitive damages in an appropriate amount, for the costs of this action, and for such other and further relief as the Court may deem just and proper.

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